

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1829 be amended to read as follows:

- 1 Page 10, between lines 41 and 42, begin a new paragraph and insert:
- 2 "SECTION 12. IC 31-37-6-6, AS AMENDED BY P.L.188-1999,
- 3 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2001]: Sec. 6. (a) The juvenile court shall release the child on
- 5 the child's own recognizance or to the child's parent, guardian, or
- 6 custodian upon the person's written promise to bring the child before
- 7 the court at a time specified. However, the court may order the child
- 8 detained if the court finds probable cause to believe the child is a
- 9 delinquent child and that:
- 10 (1) the child is unlikely to appear for subsequent proceedings;
- 11 (2) detention is essential to protect the child or the community;
- 12 (3) the parent, guardian, or custodian:
- 13 (A) cannot be located; or
- 14 (B) is unable or unwilling to take custody of the child;
- 15 (4) **return of the child to the child's home is or would be:**
- 16 (A) **contrary to the best interests and welfare of the child;**
- 17 **and**
- 18 (B) **harmful to the safety or health of the child;** or
- 19 (5) the child has a reasonable basis for requesting that the child
- 20 not be released.
- 21 However, the findings under this subsection are not required if the
- 22 child is ordered to be detained in the home of the child's parent,
- 23 guardian, or custodian or is released subject to any condition listed in
- 24 subsection ~~(c)~~: **(d)**.
- 25 (b) If a child is detained for a reason specified in subsection (a)(3),
- 26 ~~or (a)(4), or (a)(5),~~ the child shall be detained under IC 31-37-7-1.
- 27 (c) **If a child is detained for a reason specified in subsection**
- 28 **(a)(4), the court shall make written findings and conclusions that**
- 29 **include the following:**
- 30 (1) **The factual basis for the finding specified in subsection**
- 31 **(a)(4).**
- 32 (2) **A description of the family services available and efforts**

1 **made to provide family services before removal of the child.**
2 **(3) The reasons why effort made to provide family services**
3 **did not prevent removal of the child.**
4 **(4) Whether efforts made to prevent removal of the child were**
5 **reasonable.**
6 **(d) Whenever the court releases a child under this section, the court**
7 **may impose conditions upon the child, including:**
8 (1) home detention;
9 (2) electronic monitoring;
10 (3) a curfew restriction;
11 (4) a protective order;
12 (5) a no contact order;
13 (6) an order to comply with Indiana law; or
14 (7) an order placing any other reasonable conditions on the child's
15 actions or behavior."
16 Renumber all SECTIONS consecutively.

(Reference is to EHB 1829 as printed April 6, 2001.)

Senator LUBBERS